REMARKS

The new claims are drawn to a nucleic acid molecule having single nucleotide polymorphisms (SNPs) at four different positions in SEQ ID NO:1. These claims, which are directed to nucleic acid sequences, fall within the scope of the elected group. Because SNPs in SEQ ID NO:1 are synonymous codons/silent mutations, the amino acid sequence encoded by SEQ ID NO:1 does not change. Therefore, these sequences will only encode ONE polypeptide. Thus, the new claims comply with the restriction requirement made by the examiner.

Applicants further respectfully request that the Examiner reconsider the claim division between the nucleic acid and the use of the nucleic acid. Specifically, the point of novelty of the nucleic acid is the SNPs present at four different nucleotide positions, which can be used for detection and other purposes. These SNPs provide uses (e.g., methods of detecting and identifying risk of estrogen receptor related diseases) of the subject matter and it is believed that examination of these claims would not unduly burden the Examiner with additional review issues.

By way of the above amendments, claims 1-17 have been canceled as being redundant or being directed to non-elected subject matter; claims 18-36 have been added. As such, claims 18-36 are presently pending.

Support for the amendments to the claims and the newly added claims can be found at least in the old claims, Figures 2 and 9, and pages 43 and 47 of the specification. The newly added claims add no new subject matter and their entry is respectfully requested.

Applicants respectfully assert that the claims are in condition for examination on the merits.

Respectfully submitted,

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By: _____

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